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Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

BONNIE L. SANDERS,

Case No. 6:22-cv-00195

Plaintiff,

v.

**DEFENDANT'S NOTICE OF
REMOVAL**

RITE AID CORPORATION, a Pennsylvania
Corporation,

JURY TRIAL REQUESTED

Defendant.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441, § 1446 and § 1332(a), Defendant Rite Aid Corporation, a Pennsylvania corporation (hereinafter "Defendant") removes this action from the Circuit Court of the State of Oregon for the County of Coos to the United States District Court of Oregon, Eugene Division. The grounds for removal of this action are:

RELEVANT FACTS

On December 16, 2021, Plaintiff filed a Complaint in the Circuit Court of Coos County, Oregon. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *See* Declaration of Jeffrey Hansen (hereinafter “Hansen Dec.”), ¶2. On January 5, 2022, Plaintiff served Defendant with a Summons and Complaint captioned *Bonnie L. Sanders v. Rite Aid Corporation*, Case No: 21CV47860, filed in the Circuit Court for the State of Oregon for the County of Coos, State of Oregon. *See* Hansen Dec., ¶3, Ex. C. These documents, taken together, constitute all process, pleadings and orders served on Defendant in that action up to the present date. Hansen Dec., ¶5.

GROUND FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principal claims for relief against the defendant exceeds \$75,000. Plaintiff seeks damages of \$187,988.06. Complaint ¶9.

2. Plaintiff and Defendant are residents of different states. On information and belief, Plaintiff is a resident of Oregon. *See* Complaint ¶2. Rite Aid Corporation is registered with the Oregon Corporation Division as having its principal place of business headquartered in Pennsylvania. Hansen Dec., ¶6. *See* Rite Aid Corporation’s Corporate Disclosure Statement, filed concurrently herewith. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Rite Aid Corporation. A copy of the Service of Process/Affidavit of Service is attached to the Hansen Dec. as Ex. C.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Coos as of the date of this removal other than outlined herein.

5. Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Coos and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that this action be removed from the Circuit Court for the State of Oregon for the County of Coos and placed on the docket of the United States District Court for the District of Oregon in the Eugene Division.

DATED this 4th day of February, 2022.

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UNITED STATES DISTRICT COURT

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BONNIE L. SANDERS,

Case No. 22-cv-00195

Plaintiff,

CERTIFICATE OF SERVICE

v.

RITE AID CORPORATION, a Pennsylvania
Corporation,

Defendant.

I hereby certify that on the 4th day of February, 2022, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such

filing to all registered individuals. Additionally, I hereby certify that a true copy of the foregoing

DEFENDANT'S NOTICE OF REMOVAL was served as stated below on:

Derek D. Snelling
Shlesinger & deVilleneuve PC
1400 Executive Pkwy, Suite 360
PO Box 11616
Eugene, OR 97440

Attorneys for Plaintiff

- ☐ By hand delivery
- ☒ By first-class mail*
- ☐ By overnight mail
- ☐ By facsimile transmission:
- ☒ By e-mail:
dsnelling@dsdattorneys.com
- ☒ By U.S. District Court CM/ECF e-filing
service to registered parties

*With first-class postage prepaid and deposited in Portland, Oregon.

DATED this 4th day of February, 2022.

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